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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,324	08/20/2003	Brian Johnson	2269-4196.1US (99-0458.01	6644

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EXAMINER	
BRAGDON, REGINALD GLENWOOD	
ART UNIT	**PAPER NUMBER**
2188	

DATE MAILED: 08/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/644,324	JOHNSON, BRIAN	
	Examiner	Art Unit	
	Reginald G. Bragdon	2188	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-25 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-25 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 20 August 2003 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The Information Disclosure Statement(s) received 20 August 2003 has been considered.

Please see the attached PTO-1449(s).

Drawings

2. The drawings filed on 20 August 2003 have been approved by the Examiner.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1-3, 5, 7-8, 9-11, 14-15, and 19 of U.S. Patent 6,732,223 contains every element of claims 1-4, 6, 8, 10-17, 19, 15, and 25 of the instant application and as such anticipates claims 1-4, 6, 8, 10-17, 19, 15, and 25 of the instant application.

"A later patent claim is not patentably distinct from an earlier patent claim if the later claim is obvious over, or **anticipated by**, the earlier claim. In re Longi, 759 F.2d at 896, 225

USPQ at 651 (affirming a holding of obviousness-type double patenting because the claims at issue were obvious over claims in four prior art patents); In re Berg, 140 F.3d at 1437, 46 USPQ2d at 1233 (Fed. Cir. 1998) (affirming a holding of obviousness-type double patenting where a patent application claim to a genus is anticipated by a patent claim to a species within that genus). " ELI LILLY AND COMPANY v BARR LABORATORIES, INC., United States Court of Appeals for the Federal Circuit, ON PETITION FOR REHEARING EN BANC (DECIDED: May 30, 2001).

Claim 1 of the present application corresponds to claims 1, 2, or 3 of the '223 patent.

Claim 2 of the present application corresponds to claim 1 of the '223 patent.

Claim 3 of the present application corresponds to claim 1 of the '223 patent.

Claim 4 of the present application corresponds to claim 3 of the '223 patent

Claim 6 of the present application corresponds to claim 4 of the '223 patent.

Claim 8 of the present application corresponds to claims 7 or 8 of the '223 patent.

Claim 10 of the present application corresponds to claims 7 or 8 of the '223 patent.

Claims 11-12 of the present application corresponds to claim 9 of the '223 patent.

Claims 13 and 16 of the present application corresponds to claim 10 of the '223 patent.

Claim 14 of the present application corresponds to claim 10 of the '223 patent.

Claim 15 of the present application corresponds to claim 10 of the '223 patent.

Claim 17 of the present application corresponds to claim 11 of the '223 patent.

Claim 19 of the present application corresponds to claim 14 of the '223 patent.

Claim 23 of the present application corresponds to claim 15 of the '223 patent.

Claim 25 of the present application corresponds to claim 19 of the '223 patent.

5. Claims 5 and 7 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 4 (respectively) of U.S. Patent No. 6,732,223 in view of Rust et al. (5,699,530).

Claims 1 and 4 of the '223 patent do not teach that the counter registers are linear feedback shift registers. Rust et al. teaches that it was know in utilize linear feedback shift registers for read/write pointers in FIFO buffers. See the abstract at the bottom. It would have been obvious to one of ordinary skill in the art to have modified the pointer registers of claims 1 and 4 of the '223 to utilize linear feedback shift registers, as suggested by Rust et al., because Rust et al. teaches that linear feedback shift registers are advantageous in reducing the propagation time for selection signals traveling to an actual storage location. See column 3, lines 20-24.

6. Claims 9, 18, 20-22, and 24 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 7 or 8, 11, or 15 of U.S. Patent No. 6,732,223 in view of Hang (5,487,049).

As per claim 9, claims 7 or 8 of the '223 patent do not teach that the memory device is a DRAM. Hang teaches a DRAM memory device interfacing with a FIFO. See column 1, lines 19-22. It would have been obvious to one of ordinary skill in the art to have utilized a DRAM memory as the memory device set forth in claims 7 or 8 of the '223 patent because DRAM memory is readily available, inexpensive memory.

As per claims 18 and 20-22, claim 11 of the '223 patent does not teach the limitations as set forth in these claims. Hang teaches these limitations as follows:

As per claim 18, Hang teaches a write counter 22. A write pointer signal ("write latch signal"), WPTRN, is received by the write counter ("transmitting a first write latch signal..."), which causes the write counter to increment and point at another slot to be filled during a write operation ("adjusting the write counter..."). See column 3, lines 29-32.

As per claim 20, Hang teaches a FIFO buffer. Inherently a second memory bank address command will be received along with corresponding data, which will be read from the FIFO using the stored address for storage in the DRAM, in a manner similar to the first memory bank address command that is received.

As per claim 21, Hang teaches, with reference to figure 2, a plurality of sequential FIFO buffers, a write counter WCNT, and a read counter RCNT. The write counter is always maintained pointing ahead of the read counter. See figure 2 and column 4, lines 36-39.

As per claim 22, Hang teaches a write counter 22. A write pointer signal ("write latch signal"), WPTRN, is received by the write counter, which causes the write counter to increment and point at another slot to be filled during a write operation, prior to the read counter incrementing. See column 3, lines 29-32.

It would have been obvious to one of ordinary skill the art to have modified claim 11 of the '223 patent to include the limitations of claims 18 and 20-22 of the present invention, which are all features of the FIFO/DRAM interface of Hang, because Hang teaches that this allows the system to utilize fast page mode transfer between the FIFO and DRAM, thereby improving the transfer speed. See column 1, lines 23-44.

As per claim 24, claim 15 of the '223 patent does not teach the limitations as set forth in this claim. Hang teaches reading the data from the FIFO buffer for storage in the DRAM as set

forth in column 4, lines 23-29. It would have been obvious to one of ordinary skill the art to have modified claim 15 to include reading the data from the FIFO buffer for storage in the DRAM because Hang teaches that this allows the system to utilize fast page mode transfer between the FIFO and DRAM, thereby improving the transfer speed. See column 1, lines 23-44.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-5, and 13-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 1, 13, 17, and 23, Applicant sets forth in the claims that the "data corresponding to the memory command arrives at the DRAM", implying that the data does not travel through the FIFO. Applicant also sets forth "simultaneous reading and writing of the at least one of data and commands from the FIFO", indicating that the data travels through the FIFO. It is not clear from the amended claim language whether the data travels through the FIFO or not. For purposes of applying the prior art, the Examiner will assume that the data travels through the FIFO.

All dependent claims are rejected as having the same deficiencies as the claims they depend from.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-4, 6, and 17-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Hang (5,487,049).

As per claim 1, Hang teaches, with respect to figure 1, a DRAM 16, a DRAM controller for controlling the DRAM (see column 4, line 30), and a FIFO 10 associated with the DRAM (see column 2, lines 60-63). Hang further teaches at column 3, lines 63-67, that the data register 30 is a two-port memory which can simultaneously write data to a storage location having an address specified by a write count value while reading data from a different storage location having an address specified by a read count value. The claimed "control logic" is represented, at the least, by write counter 22, read counter 26, and state machine 20, as shown in figure 1. The FIFO temporarily stores addresses until a full page worth of data is stored in the data register for transfer to the DRAM.

As per claim 2, Hang teaches a read counter 26 associated with the FIFO.

As per claim 3, Hang teaches that the read counter 26 is incremented upon a particular assertion of DRAMREQ. See column 4, lines 24-26. Therefore, prior to the read operation, the read counter register is configured to indicate the previous read counter setting.

As per claim 4, Hang teaches a write counter 22 associated with the FIFO.

As per claim 6, Hang teaches a FIFO system 10 including a FIFO data buffer 30 and address buffer 34, a write counter 22, and a read counter 26. See figure 1. Hang teaches that the read counter 26 is incremented upon a particular assertion of DRAMREQ. See column 4, lines 24-26. Therefore, prior to the read operation, the read counter register is configured to maintain the previous read counter setting.

As per claim 17, Hang teaches, with respect to figure 1, a DRAM 16, a DRAM controller for controlling the DRAM (see column 4, line 30), and a FIFO 10 associated with the DRAM (see column 2, lines 60-63). A memory address is transmitted over address bus (ADRBUS) 12 ("receiving at least one memory bank address command bit") and written to the address register 34 ("writing the at least one memory bank address command bit to the at least one FIFO buffer"). See column 3, lines 15-16, and column 4, lines 20-21. Data is received over DBUS 14 ("receiving data corresponding to the at least one memory bank address command bit at the control logic"). See column 4, lines 17-19. The memory bank address is read ("reading the memory bank address command") and the associated data is then written to the DRAM ("storing the data..."). See column 4, lines 23-29. The FIFO temporarily stores addresses until a full page worth of data is stored in the data register for transfer to the DRAM.

As per claim 18, Hang teaches a write counter 22. A write pointer signal ("write latch signal"), WPTRN, is received by the write counter ("transmitting a first write latch signal..."), which causes the write counter to increment and point at another slot to be filled during a write operation ("adjusting the write counter..."). See column 3, lines 29-32.

As per claim 19, Hang teaches at column 4, lines 4-6, that WCNT increases in value from an initial value of 00. Therefore, the write counter is reset to a value of 00 prior to beginning the count.

As per claim 20, Hang teaches a FIFO buffer. Inherently a second memory bank address command will be received along with corresponding data, which will be read from the FIFO using the stored address for storage in the DRAM, in a manner similar to the first memory bank address command that is received.

As per claim 21, Hang teaches, with reference to figure 2, a plurality of sequential FIFO buffers, a write counter WCNT, and a read counter RCNT. The write counter is always maintained pointing ahead of the read counter. See figure 2 and column 4, lines 36-39.

As per claim 22, Hang teaches a write counter 22. A write pointer signal ("write latch signal"), WPTRN, is received by the write counter, which causes the write counter to increment and point at another slot to be filled during a write operation, prior to the read counter incrementing. See column 3, lines 29-32.

As per claim 23, Hang teaches a FIFO buffer having read counter 26 and write counter 22, which both initially point "00". A first data word is received and stored in the FIFO buffer. See column 4, lines 17-21. The write pointer is then incremented ("adjusting the write counter...). See column 4, lines 4-6, and 17. The write counter is maintained pointing ahead of the read pointer. See column 4, lines 36-39. The FIFO temporarily stores addresses until a full page worth of data is stored in the data register for transfer to the DRAM.

As per claim 24, Hang teaches reading the data from the FIFO buffer for storage in the DRAM as set forth in column 4, lines 23-29.

As per claim 25, Hang teaches a page in, burst-out FIFO buffer 10 (figure 1) that includes an address register 34 (" temporarily storing...address command) and a data register 30 ("receiving" and "storing" data). See in general figure 1. Hang teaches a FIFO buffer. Inherently a second memory bank address command will be received along with corresponding data, which will be read from the FIFO using the stored address for storage in the DRAM, in a manner similar to the first memory bank address command that is received.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hang in view of Rust et al. (5,699,530).

As per claims 5 and 7, Hang does not teach that the counter registers are linear feedback shift registers. Rust et al. teaches that it was know in utilize linear feedback shift registers for read/write pointers in FIFO buffers. See the abstract at the bottom. It would have been obvious to one of ordinary skill in the art to have modified the counter registers of Hang to utilize linear feedback shift registers, as suggested by Rust et al., because Rust et al. teaches that linear feedback shift registers are advantageous in reducing the propagation time for selection signals traveling to an actual storage location. See column 3, lines 20-24.

13. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hang (5,487,049) in view of Thome et al. (5,289,584).

As per claims 8 and 10, Hang teaches a FIFO system 10 in a memory device including a FIFO data buffer 30 and address buffer 34, a write counter 22, and a read counter 26. See figure 1. Hang teaches that the read counter 26 is incremented upon a particular assertion of DRAMREQ. See column 4, lines 24-26. Therefore, prior to the read operation, the read counter register is configured to maintain the previous read counter setting.

Hang does not specifically mention a processor, input device (e.g. keyboard or mouse), output device (e.g. monitor), and a storage device (e.g. disk drive, tape drive). Thome et al. teaches a system including a page mode DRAM and a FIFO 114 or 116 (figure 2), which includes a CPU 30, keyboard 80 ("input device"), monitor 64 ("output device") and a hard disk 98 ("storage device"). See figure 1. It would have been obvious to one of ordinary skill in the art to have included a processor, input device, output device, and a storage device attached to the system bus disclosed at column 2, lines 50-51, because these elements are well known components of a computer system for the processing of data, storage of data and interaction with a user.

As per claim 9, Hang teaches that the memory device is a DRAM 16.

14. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hang (5,487,049) in view of Ichige et al. (5,426,612).

As per claims 11 and 12, Hang teaches the invention as set forth above for claim 6. However, Hang does not teach that the system is embodied on a semiconductor substrate (semiconductor wafer). Ichige et al. teaches that it was known in the art at the time the invention

was made to incorporate a FIFO with associated pointer logic on a single semiconductor substrate/wafer. See figures 13-14, column 6 (lines 20-23), and column 22 (lines 37-45). It would have been obvious to one of ordinary skill in the art to have incorporated a FIFO with associated pointer logic on a single semiconductor substrate/wafer, as suggested by Ichige et al., because this simplifies production of the system, thereby saving cost, as well as reducing the distance between functional elements, realizing an improvement in speed as well as a reduction in power.

15. Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hang (5,487,049) in view of Wu et al. (6,329,997).

As per claims 13 and 16, Hang teaches the invention as set forth above for claim 1. However, Hang does not teach that the system is embodied on a semiconductor substrate (semiconductor wafer). Wu et al. teaches that it was known to incorporate a FIFO on the same substrate with a DRAM. See column 3, lines 8-20. It would have been obvious to one of ordinary skill in the art to have incorporated a FIFO with a DRAM on a single semiconductor substrate/wafer, as suggested by Wu et al., because this simplifies production of the system, thereby saving cost, as well as reducing the distance between functional elements, realizing an improvement in speed as well as a reduction in power.

As per claim 14, Hang teaches a read counter 26 associated with the FIFO.

As per claim 15, Hang teaches that the read counter 26 is incremented upon a particular assertion of DRAMREQ. See column 4, lines 24-26. Therefore, prior to the read operation, the read counter register is configured to maintain the previous read counter setting.

Conclusion

16. Any response to this action should be mailed to:

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All "OFFICIAL" patent application related correspondence transmitted by FAX must be directed to the central FAX number at **(703) 872-9306**:

"INFORMAL" or "DRAFT" FAX communications may be sent to the Examiner at **(703) 746-5693**, only after approval by the Examiner.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Fourth Floor (receptionist).

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reginald G. Bragdon whose telephone number is (703) 305-3823. The examiner can normally be reached on Monday-Thursday from 7:00 AM to 4:30 PM and every other Friday from 7:00 AM to 3:30 PM.

The examiner's supervisor, Mano Padmanabhan, can be reached at (703) 306-2903.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Reginald G. Bragdon
Primary Patent Examiner
Art Unit 2188

RGB
August 17, 2004